

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING**

**SPECIAL & REGULAR SESSION – JUNE 28, 1999**

The Board of Island County Commissioners met in Special Session on June 28, 1999, beginning at 9:00 a.m. in the Office of the Island County Commissioners, 502 N. Main, Coupeville, Wa. Members present were: Wm. L. McDowell, Member; and William F. Thorn, Member. [Although Chairman Mike Shelton was on vacation, he participated in the Special Session by telephone].

As indicated in the Notice of Special Session, the purpose was to meet in Executive Session as allowed under R.C.W. 42.30.110 (1) (i) in order to discuss with legal counsel pending litigation, estimating the session would last approximately one hour.

Consensus reached to authorize special legal counsel to proceed with certain action. Board to take final action in open public session during this afternoon’s Regular Meeting.

Special Session adjourned at 9:45 a.m.

**BOARD OF COUNTY COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

\_\_\_\_\_  
Wm. L. McDowell, Member

\_\_\_\_\_  
William F. Thorn, Member

[Mike Shelton, Chairman – absent]

**ATTEST:** \_\_\_\_\_

Margaret Rosenkranz, Clerk of the Board

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**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING**

**REGULAR SESSION - JUNE 28, 1999**

The Regular Meeting of the Board of Island County Commissioners was held on June 28, 1999, 1999, beginning at 11:30 a.m. for the monthly Roundtable with Elected Officials, following with other meeting items as listed on the Agenda beginning at 1:30 p.m. The meeting was held in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Wm. L. McDowell, Member, and William F. Thorn present. Mike Shelton, Chairman, was absent.

**Roundtable Meeting with Island County Elected Officials**

Elected Officials Present: Tom Baenen; Greg Banks; Marilee Black; Mike Hawley; Maxine Sauter; Suzanne Sinclair.

**Computer Issues.** Central Services should have an inventory of all computers and software versions.

Software, for example versions of WORD, need to be consistent not only within each office but throughout the County.

Computer group met on Friday and Central Services provided a map showing the complete Island County computer network as it stands today [copy posted in Commissioners’ Office]. A lot has been done in the establishment of a

network and the basics of the system looks good. Systems written for the Assessor's Office thus far are coming along very well although it has been a hard and arduous task.

**Video Conferencing Update.** Sheriff Hawley talked with Cathy Caryl regarding video conferencing but has not received information back at this point; hopes to have something to report at next month's meeting.

**Imaging/Scanning Update.** Elected Officials are still in process of trying to get all information and data together. The Assessor and Auditor have different needs and programs from those necessary for the Court system so there is some question whether one size will fit all.

A representative from Eagle Computer Service has been contacted to plan a demo here on July 30<sup>th</sup> on the CRIS+ system developed for imaging capabilities. Lewis County paid \$153,000 for their recording system [hardware, software, training]. Ms. Sinclair noted that Elaine Marlow sat in on the June 23<sup>rd</sup> meeting of the Technology Committee for a demo by a representative of CDCOM regarding options for document retention and indicated it was pretty straight forward and something to look at for things more utilitarian short-term.

For the Assessor's Office it would perform a couple of very needed functions quickly and inexpensively. Another facet is to look in terms of interrelationship between the departments, those who need to edit and those who only need information.

About 19 counties use the CRIS+ system and for example, Lewis County makes four CD's: County copy; back-up copy off site; archive copy and the title companies [for a fee]. "*Open architecture*" is the new buzz word in computer programming [avoiding proprietary systems].

Some follow up questions to think about are: what is consequence of having a common system; discuss with one another about what the logic of the flow of information is around the County before the July 30<sup>th</sup> demo.

**Budgeting Issues.** Elected Officials did follow-up as suggested previously writing a letter of support to the Washington State 10<sup>th</sup> District legislators about concerns over Island County being eliminated from the Rural Economic Bills (HB 2260, SB 5594) to request moving Island County from "urban" to "rural" based on different criteria since Island County does not fit the classification of urban, with the exception of people per square mile.

One of the things in the discussion previously was that sub-group budgeting would be hard to do other than the Law & Justice sub-group, because each elected official has a specific need and would be impossible in most instances to prioritize along side the Treasurer, Assessor, Auditor.

The Commissioners idea was to try to expand on something that worked the first time. Perhaps other elected officials, outside the law & justice arena, could meet as a sub-group and prioritize among themselves as far as personnel requirements in the future. Elected Officials suggested it should be recognized by the Board that should they come together as a budget sub-group, that would not preclude an individual Elected Official from coming to the Board with a specific need to be addressed in the budget separately.

As far as the budget process going beyond just a 12 month process, the Budget Director is in the process of looking into that and looking at actual revenue history for the last 6 to 10 years. The Treasurer has the revenue actuals for the last 10 years and agreed to provide that to Margaret.

There needs to be a "budget policy" of the Board.

Ms. Sinclair visited Lewis County and spent time with their accounting supervisor. That County has Central Services as an internal service fund separate from others, like an ER&R fund in a sense. For budgeting it would require that Central Services take on planning for upgrades/replacements and some forward thinking.

**Facility Issues.** Relative to space allocations between the Prosecutor's Office and the Public Law Library in the Courthouse facility, the Prosecutor was feeling somewhat cramped in space. Commissioner McDowell suggested this as an item for discussion on Staff Session during the Public works agenda.

**Miscellaneous Issues.** Commissioner Thorn would like to see more policy issues brought forward, discussed and some agreement reached.

While Elected Officials' salaries are not a priority right now, it is a matter that the Elected Officials will bring back to the table.

Next Roundtable: July 26, 1999 @ 11:30 a.m. Next month topics the same with updates to be provided; new topics provide to Ms. Black prior to the Roundtable.

### **VOUCHERS AND PAYMENT OF BILLS**

The following vouchers/warrants were approved for payment by unanimous motion of the Board:

**Voucher/ War.** # 53175-53395..... \$562,207.46.

**Veterans Assistance Fund:** [emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential]. By unanimous motion, the Board approved Claim V-99-6 as recommended by the Veterans Assistance Review Committee in the amount of \$339.38; remainder of claim denied.

### **BOARD FINAL DECISION REGARDING GROWTH BOARD DECISION**

At this time, Commissioner McDowell and Commissioner Thorn confirmed unanimous Board action, having reached informal consensus earlier this morning in Executive Session, authorizing special legal counsel to proceed with filing a lawsuit in Island County Superior Court to preserve the right to challenge legal issues that have been identified in the Growth Board Decision:

The agency action issue is portions of the Final Decision and Order ("final order") issued by the Western Washington Growth Management Hearings Board in Island county Citizens' Growth Management Coalition , et al. v. Island County, WWGMHB #98-2-0023c, entered on June 2, 1999. This Petition for Review is being filed to preserve Island County's rights to review of critical legal issues in that final order if the reasonable efforts Island County intends to undertake to comply with the order are not accepted by the agency. Before pursuing judicial resolution of those legal issues the County intends to attempt to achieve compliance with the final order.

### **MINUTES APPROVED**

The Board, by unanimous motion, approved the minutes of meeting from the Regular Meeting held on June 7, 1999.

### **Appointments to Various Boards and Committees**

By unanimous motion, the Board named the following individuals to serve on various Boards and Committees:

#### **Reappointment to Mental Health & Substance Abuse Advisory Board**

Roksan Oliver, Oak Harbor reappointment to 7/1/2002

Karen Lewis, Coupeville reappointment to 7/1/2002

Eileen Rosman, Camano Is. reappointment to 7/1/2002

#### **Appointment to the Conservation Futures Technical Advisory Group (TAG)**

Gregor Strohm, Oak Harbor representing incorporated areas within Island County

#### **Appointments – Solid Waste Advisory Committee (SWAC)**

Ms. Rosemary Hennessy, Camano Island - Member at large

Ms. Jo VanPatten, South Whidbey - Member at large

**STAFF SESSION SCHEDULE APPROVED FOR JULY, 1999**

The Board approved for distribution the Staff Session schedule for July, 1999, both regular staff sessions, beginning at 9:00 a.m., July 7 and July 21.

**Resolution #C-79-99 Establishing Operations & Procedures for the Island County Marine Resources Committee**

Don Meehan, WSU Extension Agent, presented for Board consideration and adoption a resolution establishing operations and procedures for the Island County Marine Resources Committee, a follow-on to Staff Session on June 4<sup>th</sup> when he reviewed with the Board a draft document regarding operations of the Marine Resources Committee and start-up. The operations and procedures is in follow-up to the Board's adoption of Resolution #C-59-99 which established the committee. Mr. Meehan thanked the Commissioners for the work invested in the details and thought this something now that was quite workable. One of the categories he thought should be added under Technical Advisory Committee, on Page 3 of Exhibit A was "Other Interested Agencies" and asked that that be done at this time.

By unanimous motion, the Board adopted Resolution #C-79-99 in the matter of establishing operations and procedures for the Island County Marine Resources Committee, amending Exhibit A on P age 3 by adding under Technical Advisory Committee a new category "Other Interested Agencies".

**BEFORE THE BOARD OF ISLAND COUNTY COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

**RESOLUTION ESTABLISHING )**

**OPERATIONS & PROCEDURES ) Resolution #C-79-99**

**FOR THE ISLAND COUNTY )**

**MARINE RESOURCES COMMITTEE )**

**WHEREAS**, the Board of Island County Commissioners adopted Resolution #C-59-99 on May 24, 1999 establishing an Island County Marine Resources Committee, and;

**WHEREAS**, operations of the Marine Resource Committee need to be defined;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Island County Commissioners does hereby establish a Marine Resources Committee operations procedure as outlined in "Exhibit A", **OPERATIONS AND PROCEDURES OF THE ISLAND COUNTY MARINE RESOURCES COMMITTEE**.

**ADOPTED** this 28<sup>th</sup> day of June, 1999.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

[Mike Shelton, Chairman –absent]

*Wm. L. McDowell*, Member

***William F. Thorn***, Member

**ATTEST:** By Ellen K. Meyer, Deputy

Margaret Rosenkranz, Clerk of the Board

BICC 99-386

*[Exhibit A on file the Clerk of the Board]*

**Approval/Signature on Union Local #1845 Contract**

Dick Toft, Human Resource Director, presented for Board approval and signature, Labor Agreement between Island County and WSCCE Local

#1845 for the period 1999 through 2001. All other Elected Officials have signed the Contract, including Mike Shelton who signed on June 23, 1999.

By unanimous motion, the Board approved the Contract between Island County and WSCCE Local 1845 Labor Agreement for the years 1999 through 2001.

**Resolution #C-80-99 In the Matter of Adjusting Salaries for Non-Bargaining Unit Employees (excluding elected officials) for 1999**

Next, Mr. Toft presented with request for approval, a resolution to add .5% addition to the cost of living [COLA] increase granted for non-bargaining unit employees on January 1, 1999, for a total 2-1/2%, equal to that provided in the collective bargaining agreement just signed.

The Board, on unanimous motion, approved Resolution #C-80-99 adjusting salaries for Non-Bargaining unit employees, excluding Elected Officials, for 1999.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF ADJUSTING )

SALARIES FOR NON-BARGAINING UNIT) RESOLUTION C-80-99

EMPLOYEES (EXCLUDING ELECTED )

OFFICIALS) FOR 1999 )

*WHEREAS*, the Board of Island County Commissioners finds that it is in the public interest to make

provisions for the 1999 salaries for department heads and all non-bargaining unit employees (excluding Elected Officials) within the following Island County Funds, to wit: Current Expense, Public Works, Road, Public Health Pooling, Insurance Reserve, Solid Waste and Law & Justice;

*WHEREAS*, the Board adopted Resolution C-172-98 on December 28, 1998, that provided a 2.0% base salary increase subject to further adjustment during this calendar year.

*WHEREAS*, it is in the public interest to maintain morale and compensation equity among county employees both represented and non-represented; *NOW, THEREFORE*,

*BE IT RESOLVED*, that the above identified personnel shall be granted an additional cost of living adjustment equal to .5% of base salaries effective January 1, 1999 in addition to that which was approved by Resolution C-172-98.

*ADOPTED* this 28<sup>th</sup> day of June, 1999.

**BOARD OF COUNTY COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

[Mike Shelton, Chairman – Absent]

Wm. L. McDowell, Member

**ATTEST** : By Ellen K. Meyer, Deputy William F. Thorn, Member

Margaret Rosenkranz, Clerk of the Board

BICC 99-387

**Resolution #C-81-99 Adopting Revised Island County Personnel**

**Policies and Procedures Manual**

Mr. Toft presented to the Board for approval and signature, a resolution adopting revised Island County Personnel Policies and Procedures Manual which includes a change to Island County longevity steps on the pay grid moving the steps one year earlier for the most steps, and changing percentage of increase in those steps, and allowing the Auditor's Office to effect the anniversary date for longevity steps to be taken at the first day of the month. The resolution also allows the Board to bring that forward an 85/15% split on the share of the premium for the health plan. It is hoped this will provide a significant impact on personnel retention. The Deputy Prosecuting Attorney had indicated that since all three changes to the policy manual deal with fiscal matters, it was more of a courtesy than requirement to obtain the signatures of the other Elected Officials. All Elected Officials have signed the change, with the exception of Judge Hancock since he is on vacation until July 6.

By unanimous motion, the Board adopted Resolution #C-81-99 adopting the revised Island County Personnel Policies and Procedures Manual.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**

**OF ISLAND COUNTY WASHINGTON**

**RESOLUTION ADOPTING THE REVISED }**

**ISLAND COUNTY PERSONNEL POLICIES} RESOLUTION C -81- 99**

**AND PROCEDURES MANUAL }**

**WHEREAS**, the Island County employee's manual requires periodic updating or modification to reflect changes in procedures or policy;

**WHEREAS**, in the interest of adapting to changes in the labor market it is in the county's interest to modify the longevity grid to benefit current and future employees; and

**WHEREAS**, to maintain a viable and affordable health plan it is in the interest all employees in Island County to share as determined by the Board of County Commissioners in the costs of providing the basic Health plan in the County;  
**NOW, THEREFORE,**

**IT IS HEREBY RESOLVED** that the attached changes to the Personnel Policy and Procedures Manual are adopted and made a part of the manual replacing those sections superseded and the other independently elected Officials have been presented with this resolution and approved as well. Upon adoption of this change, the provisions of the current Personnel, Policies and Procedures manual adopted June 6, 1994 and revised 04/01/98, will be amended to reflect the incorporation of Exhibit A attached. Underlined material is added and stricken through material is being deleted. The change to Section 2.01.013, New Employment – Reduction of Pay Grade for First Six Months, shall be effective January 1, 1999. The changes to Section 2.01.017, Longevity Increases in Salary, shall be effective January 1, 1999 for future employees and for employees who are actively on the payroll on the date of adoption of this resolution. The changes to Section 2.01.021, Medical Insurance, shall be effective July 1, 1999.

**ADOPTED** this 28<sup>th</sup> day of June, 1999.

**BOARD OF COUNTY COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

[Mike Shelton, Chairman-absent]

**ATTEST:** By Ellen K. Meyer, Deputy *Wm. L. McDowell*, Member

Margaret Rosenkranz *William F. Thorn*, Member

Clerk of the Board BICC 99-388

*[Exhibit A on file with the Clerk of the Board]*

**HEALTH CONTRACTS APPROVED**

By unanimous motion, the Board approved the following Health contracts which had been previously reviewed and discussed during a recent staff session with health personnel:

Contract Amendment: Island County & Pacific Association for Labor Support (PALS),

#HD-04-94(4), \$3,000

Contract Amendment: Island County & Shellie Moore, Childbirth Education Classes, #HD07C-97(2), \$2,000

**Signature: Deed & Paperwork associated with property closing on Prosecutor's Forfeited Property**

Lee McFarland, Assistant Director, GSA/Property Management, presented closing paperwork for the "Prosecutor's Forfeited Property " necessary for the transfer of ownership of the property.

By unanimous motion, the Board approved and signed the Deed and paperwork associated with property closing on Prosecutor's Forfeited Property, Assessor's Tax Parcel ID#: R23034-215-0350 and R23034-250-0350, including: Statutory Warranty Deed; Questionnaire; Notice of Compliance with A.P.R.12; Closing Agreement and Escrow Instructions; Addendum to Closing Agreement and Escrow Instructions; Supplement to Closing and Escrow Instructions; HUD Settlement Statement and Addendum; and Form 1099.

**Claim for Damages R99-019CD, Kelly Tregellas**

Betty Kemp, Director, GSA/Risk Management, reported on Claim for Damages R99-019 CD, by Kelly Tregellas. The claim is identical to the claim filed by claimant on September 5, 1997. At that time the Claim was presented to the Sheriff's Office for investigation and comment, and the Board denied the claim on October 6, 1997. Current claim repeats the allegations of the 1997 claim and based on the fact there are no new allegations to investigate, Mrs. Kemp recommended denial of the claim.

By unanimous motion, the Board denied Claim R99-019CD from Kelly Tregellas as recommended by the Risk Manager.

**Resolution #C-82-99 Employing Attorney to defend Island County**

Mrs. Kemp presented for Board approval a resolution to provide legal defense for Island County deputy in lawsuit filed in U. S. District Court #C99-0926 Kelly Tregellas v. Rob Hardcastle, et.al. The dollar amount provided in the resolution is to be amended to \$5,000 instead of \$10,000 in the fourth paragraph.

By unanimous motion, the Board approved Resolution #C-82-99 in the matter of the Board of County Commissioners employing an attorney to defend and Island County Deputy Sheriff regarding lawsuit filed in District Court, with amendment to the fourth paragraph of the resolution to change the amount from \$10,000 to \$5,000.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**

**OF ISLAND COUNTY, WASHINGTON**

**IN THE MATTER OF THE BOARD OF )**

**COUNTY COMMISSIONERS EMPLOYING )**

**AN ATTORNEY TO DEFEND ISLAND ) RESOLUTION NO. C-82-99**

**COUNTY SHERIFF DEPUTY HARDCASTLE )**

**IN THE LAWSUIT FILED IN DISTRICT COURT )**

**WHEREAS**, the Board of Island County Commissioners has, at this point in time, determined that Island County Sheriff Deputy Hardcastle was acting in good faith within the discharge of his duties as an Island County Deputy Sheriff; and

**WHEREAS**, it is deemed necessary and advisable that an attorney be retained to defend Deputy Hardcastle in the lawsuit filed in District Court #C99-0926;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of County Commissioners of Island County,

Washington, as follows:

The law firm of Carney, Badley, Smith & Spellman, specifically Nicholas Scarpelli, has been retained to defend Deputy Hardcastle, and will keep the County and the Washington Counties Risk Pool advised of all significant pleadings and other areas of investigations. The dollar amount for legal defense paid to Carney, Badley, Smith & Spellman will not exceed Five Thousand Dollars (\$5,000.00).

Signed this 28<sup>th</sup> day of June, 1999.

**BOARD OF COUNTY COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

[Mike Shelton, Chairman - absent]

*WM. L. MCDOWELL*, MEMBER

*WILLIAM F. THORN*, MEMBER

**ATTEST:** By *Ellen K. Meyer*, Deputy

Margaret Rosenkranz, Clerk of the Board

BICC 99-385

**Contract #EM997062 Amendment E between Washington State Military Department and Island County**

The Board, on unanimous motion, approved Contract #EM997062, Amendment E, between Washington State Military Department and Island County providing additional funding in the amount of \$15,403 [for I-COM Center back-up].

**FIFTH AMENDMENT TO Interlocal Agreement between Is. Co. & I-COM**

The Board by unanimous motion approved Fifth Amendment to the Interlocal Agreement between Island County and I-COM increasing E911 funding by \$15,403 through the State Military Contract EM97062-E.

**Special Occasion Liquor License #071076 – So. Whidbey Shrine Club**

Having received favorable recommendations from the Sheriff's Office and Health Department, the Board by unanimous motion forwarded a recommendation of approval to the Washington State Liquor Control Board for issuance of Special Occasion License #071076 for South Whidbey Shrine Club at the South Whidbey Masonic Center, Langley, for event on July 17, 1999.

**HEARING HELD: Franchise #309(R) renewal for existing water distribution system in Goldie Road for US Navy**

A Public Hearing was held at 2:15 p.m., on Franchise #309(R), renewal for existing water distribution system in Goldie Road for the U. S. Navy, located in Sections 23/26, T33N, R1E, hearing continued from June 7, 1999.

As his June 21<sup>st</sup> Memo to the Board indicated, Lew Legat, Island County Engineer, reported that the franchise application submitted on behalf of the U. S. Navy was for renewal of a franchise to cover the existing water distribution system located in the County portion of Goldie Road. The system has been in existence since the 1940's. All departments who were requested to comment responded with no objections to the proposal. The franchise was reviewed and approved as to form by the Deputy Prosecutor, and the County's Risk Manager.

No members of the public present at the hearing requested an opportunity to speak either for or against the proposed renewal of said franchise.

By unanimous motion, the Board approved Franchise #309(R), renewal for existing water distribution system in Goldie Road for the US Navy, in Sections 23/26, T33N, R1E.

**Stormwater Mitigation Agreement – Don La Montague**

As presented and recommended for acceptance by Larry Kwarsick, Public Works Engineer, the Board by unanimous

motion accepted and approved Stormwater Mitigation Agreement with Don La Montague for Lot 10, Blk4, Holmes Harbor Golf & Yacht Club #8.

### **Consultant Agreement for Madrona Way Reconstruction PROJECT**

The Board by unanimous motion approved Consultant Agreement for Madrona Way Reconstruction Project under #PW992023 with Fakkema & Kingma, Inc. to provide survey and design consultant services for Madrona Way Reconstruction Project, CRP 94-03, in an amount not to exceed \$55,959.95. The project, scheduled for the year 2000, is funded by STP Funds.

### **Consultant Agreement for Wilkinson Road Closure Project**

Consultant Agreement for Wilkinson Road Closure Project #PW992024, was approved by the Board by unanimous motion, between the County and Fakkema & Kingma, Inc. to provide survey and design consultant services under CRP 99-01, for a maximum of \$21,956.00. This is the road previously closed to vehicular traffic. The project consists of provision of some public parking, fencing, gates, vehicle turn-around area, signing and lighting putting in some gates, illumination, fencing off slide area and some minor modifications to the slide area. The project is partially funded by FEMA.

### **Consultant Agreement-Holmes Harbor Drainage Study**

The Board by unanimous motion approved Consultant Agreement for Holmes Harbor Drainage Study #PW992025 with Datum Pacific to provide surveys, evaluations, report of drainage in the Plat of Holmes Harbor, for a maximum amount not to exceed \$75,443.00.

### **Supplemental Agreement -GLENDALE/HUMPHREY**

#### **ROADS AND STREAM RESTORATION**

By unanimous motion, the Board approved Supplemental Agreement #4 to Consultant Agreement No. PW972019 with Datum Pacific, Inc., for the Glendale/Humphrey Roads and Stream Restoration Project under CRP 97-04, increasing amount of contract by \$20,000.00 and adding to the scope of work. As indicated by Mr. Legat, Supplemental Agreement #4 revises the Scope of Work as follows:

- Revisions to existing plans for repairs of Glendale Road;
- Revisions to existing plans for replacement of existing culvert to advertise and build as a stand-alone fish passage improvement project;
- Provide on-site technical assistance for Glendale stream channel & outfall work
- Provide on-site geotechnical engineering assistance during construction of retaining wall for Glendale Road .

### **Adopt-A-Road Litter Contract – County Juvenile Court Services**

The Board, by unanimous motion, approved an Adopt-A-Road Litter Contract with Island County Juvenile Court Services for Crosby Road from Oak Harbor City Limits to West Beach Road.

### **Contract Award FOR Brighton Beach Road Slide Repair**

On recommendation of Mr. Legat the Board awarded Contract for the Brighton Beach Road Slide Repair project, South Whidbey, under CRP 98-03 to G.G. Excavation, Inc., the low bidder in the amount of \$155,009.00.

### **Bid Award-Courthouse Improvement Project**

Following the June 21<sup>st</sup> Board meeting and the actual award of contract being continued with regard to award bid for the Courthouse Improvements Project, Phase 1A, N.E. Fifth Street to Jenkins, Inc., the topic was brought forward for discussion during the June 23<sup>rd</sup> Staff Session, when at that

time, the Board concurred with the Engineer and by unanimous motion awarded bid to Jenkins, Inc., the low bidder, in the amount of \$326, 093.95 and signing AIA Document Contract with that firm. At this time, the Board ratified action taken during Staff Session on June 23, 1999, awarding bid to Jenkins, Inc.

**Resolution #C-83-99 Amending Fee Schedule for Island County Planning Department Applications**

The Board considered Resolution #C-83-99 PLG-020-99], to amend the fee schedule for the Island County Planning Department, reviewed and discussed at Staff Session on June 23<sup>rd</sup> and brought forward today for the Board’s action.

Phil Bakke, Comprehensive Plan Manager, Island County Planning Department, presented the proposed fee schedule which the Department prepared, including addition of fees for: Code Interpretation requests, fee for Open Space/Open Space Applications; Open Space Current Use Forest Applications; Public Benefit Rating System; fees for Environmental Checklists and Environmental Impact Statements. The remainder of the fees on the chart are fees currently in effect.

Mr. Bakke clarified that the Open Space/Open Space and Current Use Forest classification fees are the fees currently being assessed through the Assessor’s Office. Fees shown under Rezones should all come under Planning and it is an error for the fees to be repeated as shown under the Treasurer. The fees shown under Water System Reviews should all be reflected as stated only under Public Works and Planning and the dollar amounts shown in the column under Assessor and Treasurer are incorrect. The amount shown in the total column is correct, however.

By unanimous motion, the Board adopted Resolution #C-83-99 in the matter of amending the fee schedule for Island County Planning Department Applications with the corrections to the fee schedule deleting from the fee schedule that portion shown under the Treasurer for Rezones and Water System Reviews, and that portion shown under the Assessor for Water System Reviews.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**

**OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF AMENDING  THE FEE SCHEDULE FOR ISLAND COUNTY PLANNING DEPARTMENT APPLICATIONS	)  ) RESOLUTION C-83-99  ) PLG-020-99  )
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**WHEREAS**, on September 28 and 29, 1998, Island County adopted a new Comprehensive Plan and Zoning Code to be effective on December 1, 1998; and

**WHEREAS**, in October 1998 the Planning Department became a separate entity apart from the Community Development Division and any associated permit fees; and

**WHEREAS**, certain changes to the Comprehensive Plan and Zoning Code require different types of rezone processes; and

**WHEREAS**, it is necessary to amend the fee schedule for Planning Department application processes covering Citizen Complaints, Certificates of Zoning Compliance, Rezones, certain Code Interpretations, Open Space and Water System applications.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the Board of Island County Commissioners hereby adopts the Planning Department Fee Schedule covering Citizen Complaints, Certificates of Zoning Compliance, Rezones, certain Code Interpretations, Open Space and Water System applications attached hereto as Exhibit A.

**APPROVED AND ADOPTED** this 28<sup>th</sup> day of June, 1999.

**BOARD OF COUNTY COMMISSIONERS OF  
ISLAND COUNTY, WASHINGTON**

[Mike Shelton, Chairman-Absent]

*William F. Thorn*, Member

*Wm. L. McDowell*, Member

**ATTEST:** By *Ellen K. Meyer*, Deputy

For: Margaret Rosenkranz

Clerk of the Board

BICC 99-384 [Exhibit A – Fee Schedule on file with the Clerk of the Board]

**hearing held: Resolution #C-71-99, PLG-013-99, Adopting A Calendar to Establish Work Plan for Issues Remanded by the Western Washington Growth Management Hearings Board**

A Public Hearing was held beginning at 2:45 p.m. on Resolution #C-71-99 [PLG-013-99], Adopting the Calendar to Establish a Work Plan for Issues Remanded by the Western Washington Growth Management Hearings Board.

Copies of the Resolution and Calendar [Exhibit A to the Resolution] were available for members of the press and public provided on June 14<sup>th</sup> when the Board scheduled the matter for hearing this date and time [GMA Document #4211].

**Attendance:**

Public: Linn Emrich; Charles Scurlock

Staff/Consultant: Keith Dearborn; Vince Moore

Keith Dearborn, Island County's special legal consultant, outlined two suggested changes to the calendar.

- The calendar was drafted prior to the motions for reconsideration filed by WEAN and the Coalition. Given those motions for reconsideration, he thought it best to postpone the July

19<sup>th</sup> hearing on amendments to Chapter 17.02 and 17.03 related to Critical Areas regulations of the County and proposed amendments to Residential RAID boundaries until after the Growth Board's decision on the motions for reconsideration. He anticipated receiving the Growth Board's decision on those motions during the first two weeks of July, and with advertising time for the ordinance, suggested tentatively that the hearing date be scheduled August 23<sup>rd</sup> at 3:30 p.m.

- The other suggested change is that the September 20 hearing at 1:30 p.m. on Agricultural Lands of Long Term Commercial Significance be scheduled instead on September 27<sup>th</sup> at 3:00 p.m.

Mr. Dearborn brought to the Board's attention that all of the hearings on these ordinances are during the day and there may be some concern there needs to be hearings held in the evening, and no hearings have been planned at this point outside of Coupeville. The only hearings scheduled now that have been advertised are those scheduled on July 12 at 1:30 p.m.

Commissioner Thorn received a concern from a Camano Island resident about not holding evening meetings and hearings on Camano Island; and another call over the weekend about participation from folks on Camano. Clearly, he would like to have one or two sessions on Camano.

Commissioner McDowell suggested one way to deal with that would be that for those hearings the Board thinks should be held in the evening, come on as scheduled in the afternoon, then be continued to a later time in the evening. Action taken today would not preclude that.

Another point Mr. Dearborn mentioned came up at a recent Planning Commission meeting suggesting the possibility that the Planning Commission's hearing and the Board's hearing be consolidated in one joint hearing rather than two separate hearings and Mr. Dearborn urged the Commission if they felt strongly to take some action. Vince Moore, Planning Director, confirmed that the Planning Commission did not act on that suggestion, however.

Charles Scurlock, City of Langley Planning Advisory Board Member, acknowledged the public hearing and possible adoption on the Langley Interlocal Agreement to follow. That Agreement refers to a revision in the County Zoning Ordinance to be adopted within 90 days and inquired if that item should be placed somewhere on the calendar.

Commissioner McDowell advised that this was only the GMA Compliance Calendar, and the item Mr. Scurlock noted was a separate issue.

On that point, Mr. Dearborn noted that the Planning Commission was aware they will be receiving shortly the ordinance to codify Exhibit C to the Interlocal Agreement once the Agreement is adopted, along with one on school siting standards that will go through the regular public process rather than through the settlement process. The Planning Commission has an on-going work calendar and there are a number of events being tracked under the regular calendar process.

Linn Emrich, Camano Island, stated that most of his comments and concerns had to do with RAID boundaries and densities and Rural AG designations. He did recommend there be at least one public hearing held on Camano Island.

By unanimous motion, the Board adopted Resolution #C-71-99, PLG-013-99, in the matter of Adopting the Calendar to Establish a Work Plan for Issues Remanded by the Western Washington Growth Management Hearings Board, with two changes noted on the calendar: the Public Hearing on the calendar for Monday, July 19<sup>th</sup> be changed to Monday, August 23<sup>rd</sup> at 3:30 p.m. on amendments to Chapter 17.02 and 17.03 related to Critical Areas regulations of the County and proposed amendments to Residential RAID boundaries; and the Public Hearing on the calendar for Monday September 20<sup>th</sup> be changed to Monday, September 27<sup>th</sup> at 3:00 p.m. on Agricultural Lands of Long Term Commercial Significance.

**STATE OF WASHINGTON**

**COUNTY OF ISLAND**

**IN THE MATTER OF ADOPTING THE )  
CALENDAR TO ESTABLISH A WORK PLAN FOR )  
ISSUES REMANDED BY THE WESTERN ) RESOLUTION C- 71 -99  
WASHINGTON GROWTH MANAGEMENT ) PLG-013-99  
HEARINGS BOARD )  
)  
)**

**WHEREAS**, various parties filed petitions with the Western Washington Growth Management Hearings Board ("Board") to review Island County's adopted GMA Comprehensive Plan and Development Regulations; and

**WHEREAS**, the Board entered its Final Decision and Order on June 2, 1999; and

**WHEREAS**, the Board found certain provisions of the County's Comprehensive Plan and Developments regulations do not comply with the requirements of the GMA; and

**WHEREAS**, the County needs to establish a work plan and calendar of actions to address the issues the Growth Board remanded for further review.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Board of Island County Commissioners hereby adopts the proposed GMA Compliance Calendar, attached hereto as Exhibit A, which sets forth the actions and schedule to address the issues remanded for further review by the Western Washington Growth Management Hearings Board.

DATED this 14<sup>th</sup> day of June, 1999. Public Hearing set for June 28, 1999 @ 2:45 p.m.

**BOARD OF COUNTY COMMISSIONERS**

**OF ISLAND COUNTY, WASHINGTON**

*Mike Shelton*, Chairman

[Wm. L. McDowell, Member – Absent ]

*William F. Thorn*, Member

ATTEST: *Margaret Rosenkranz*,

Clerk of the Board BICC 99-354

APPROVED AND ADOPTED this 28<sup>th</sup> day of June, 1999.

**BOARD OF COUNTY COMMISSIONERS**  
**OF ISLAND COUNTY, WASHINGTON**

[Mike Shelton, Chairman –absent]

*Wm. L. McDowell*, Member

*William F. Thorn*, Member

**ATTEST:** By *Ellen K. Meyer*, Deputy

For: MARGARET ROSENKRANZ

Clerk of the Board

*[Calendar posted on the Net and copies available from the Planning Department; Original on file with Clerk of the Board; GMA Document #4335 as amended and approved 6/28/99]*

**HEARING HELD: Ordinance #C-01-99 Langley Interlocal Agreement**

A Public Hearing was held beginning at 3:15 p.m. on Ordinance #C-01-99 [PLG-003-99], Langley Interlocal Agreement Governing Land Use Decisions within Non-Municipal portion of Langley's Urban Growth Area, continued from June 21, 1999 [GMA Document #43936/21/99 version]. Ordinance #C-01-99 was initially set for hearing on January 11, 1999, with the first hearing held on January 25, 1999, and continued to 2/22/99, 4/5/99, 4/19/99, 5/3/99, and 6/21/99.

A large scale version of Exhibit B, map, was posted for display during the hearing [GMA Document #4317]

**Attendance:**

Lloyd Furman, Mayor, Langley

Vince Moore, County Planning Director

Keith Dearborn, Co. Legal Consultant

Charles Scurlock, Langley Planning Advisory Board

Lynn Emrich, Camano Island

Mr. Dearborn presented for today's hearing a document dated 6/28/99 showing in bold with cross-outs or underlining the changes discussed at the hearing last week to the Interlocal Agreement that the City had informally agreed to during the course of the hearing. Since then other changes that have come up include:

1. Page 4, top of the page in 3A. The amendment relates to a concern that Vince Moore raised and Mr. Lynch, City Planning Director, had agreed: a problem for the City when an undeveloped property adjacent to the City's boundaries proposed, for example, a building permit for a single family home. The way the agreement had been drafted gave no ability for the City to require that property owner to annex to the City before building the home. The amendment proposed would allow that. In addition to subdivisions, short subdivisions and conditional use permits, building permits on lots adjacent to the City boundary for those kinds of actions the property owner would be told to annex to the City. Mr. Dearborn advised that Mr. Lynch had confirmed that the City has no special rules for properties that are being annexed and would not intend to adopt rules for those properties that are different than the rules the City would apply to every property owner within the City now.
2. Page 2 in 1A [amendment not shown in the document at this point] inadvertent drafting issue identified. Strike the words "regulated division" and replace with "subdivision, short subdivision".

Development as defined in the second sentence states: "for purposes of this agreement development is defined as the regulated division of land and conditional uses". That is the only place the phrase is used "regulated division of land"; everywhere else refers to subdivisions, short subdivisions and conditional uses. The concern is that regulated division of land could be interpreted to include boundary line adjustments because the land division ordinance

covers boundary line adjustments as well as subdivisions and short subdivisions. The change has been reviewed with Mr. Lynch and he agrees intent was to not include boundary line adjustments.

Clarification Page 3. Since the type is quite light, Mr. Dearborn pointed out that the word "all" in 2A should be struck and replaced with "any".

Lloyd Furman, Mayor, City of Langley, believed this to be a document worked on by Mr. Lynch and Mr. Dearborn, upgraded by the Commissioners, and his goal was that the document be adopted.

By unanimous motion, the Board approved Ordinance #C-01-99, PLG-003-99, in the matter of adopting the Langley Interlocal Agreement Governing Land Use Decisions within the Non-Municipal Portion of Langley's UGA, with the following corrections to the Agreement to version dated 6/28/99: Paragraph 1A, changing the words "regulated division" to "subdivisions, short subdivisions"; Section 2A, second sentence, delete the word "all", along with the other changes that were a part of the 6/28/99 version.

*[Ordinance #C-01-99 amended and adopted 6/28/99 with Exhibit A, Countywide Planning Policies; Exhibit B, Scenic Corridor Overlay Zone Standards & City of Langley Comprehensive Plan Map; Exhibit C, Proposed-UGA-Langley Zone (UGA-L); and Exhibit D, Model Annexation/Development Agreement: [GMA Document #4432].*

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF ADOPTING THE LANGLEY INTERLOCAL AGREEMENT GOVERNING LAND USE DECISIONS WITHIN THE NON-MUNICIPAL PORTION OF LANGLEY'S UGA	) ) ORDINANCE C-01-99 ) PLG-003-99 ) )
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**WHEREAS**, on September 28, 1998, the County adopted Joint Planning Areas (JPA) and Urban Growth Areas (UGA) for Oak Harbor, Coupeville and Langley; and

**WHEREAS**, the County and Municipalities need to coordinate certain governmental decisions within the non-municipal portion of Urban Growth Areas and the Joint Planning Areas; and

**WHEREAS**, on September 28, 1998, and November 9, 1998, the Island County Board of Commissioners adopted amendments to County Wide Planning Policies that authorize the adoption of Interlocal Agreements with Oak Harbor, Coupeville and Langley; and

**WHEREAS**, the County and City of Langley have mutually agreed to the terms of an Interlocal Agreement.

**NOW, THEREFORE**, the Board of Island County Commissioners hereby adopt the Interlocal Agreement attached hereto as Exhibit A to govern County decisions as specified in the agreement within the non-municipal portion of the Langley Urban Growth Area and the Langley Joint Planning Area.

Reviewed this 11<sup>th</sup> day of January, 1999 and set for public hearing at 2:45 p.m. on the 25<sup>th</sup> day of January, 1999; continued to February 22, 1999 @ 3:00 p.m; continued to April 5, 1999 @ 11:00 a.m.

**BOARD OF COUNTY COMMISSIONERS OF  
ISLAND COUNTY, WASHINGTON**

Mike Shelton, Chairman

William F. Thorn, Member

[Wm. L. McDowell, Member-absent]

**ATTEST:** Margaret Rosenkranz

Clerk of the Board BICC 99-18

The Board of Island County Commissioners met in Special Session on June 28, 1999, beginning at 9:00 a

PUBLIC HEARING held on January 25, 1999, continued to February 22, 1999, April 5, 1999, April 19, 1999, May 17, 1999 and June 21, 1999.

APPROVED AND ADOPTED, as amended this 28<sup>th</sup> day of June, 1999.

**BOARD OF COUNTY COMMISSIONERS**

**OF ISLAND COUNTY, WASHINGTON**

[Mike Shelton, Chairman – absent]

*Wm. L. McDowell*, Member

*William F. Thorn*, Member

ATTEST: By *Ellen K. Meyer*, Deputy

For: Margaret Rosenkranz, Clerk of the Board

There being no further business to come before the Board at this time, the meeting adjourned at 3:30 p.m. The Board will meet next in Regular Session on July 12, 1999, at 9:30 a.m. [Monday, July 5<sup>th</sup> is a County Holiday, observing July 4<sup>th</sup>, Independence Day].

**BOARD OF COUNTY COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

\_\_\_\_\_  
Wm. L. McDowell, Member

\_\_\_\_\_  
William F. Thorn, Member

[Mike Shelton, Chairman – absent]

ATTEST: \_\_\_\_\_

Margaret Rosenkranz, Clerk of the Board